

#### **4VAC15-20-100**

### **Definitions and Miscellaneous: In General: Prohibited Use of Vehicles on Department-Owned Lands.**

#### **Summary:**

The proposal is to allow class one and two electric power-assist bicycles to be used on Department-owned lands where traditional bicycles are allowed, and prohibit class three electric power-assist bicycles as per § 46.2-904.1.

#### **Proposed language of amendment:**

#### **4VAC15-20-100. Prohibited Use of Vehicles on Department-Owned Lands.**

It shall be unlawful on department-owned lands to drive through or around gates designed to prevent entry with any type of motorized vehicle or to use such vehicles to travel anywhere on such lands except on roads open to vehicular traffic. Any motor-driven vehicle shall conform with all state laws for highway travel; provided, that this requirement shall not apply to the operation of motor vehicles for administrative purposes by department-authorized personnel on department-owned lands. Nothing in this section shall be construed to prohibit the use of Class one or two electric power-assisted bicycles as defined in § 46.2-100 where traditional bicycles are allowed. Class three electric power-assisted bicycles as defined in § 46.2-100 are prohibited. Nothing in this section shall be construed to prohibit the department from allowing the use of wheelchairs or other power-driven mobility devices by individuals with mobility disabilities in accordance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327).

For the purposes of this section, the term "wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistive mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

#### **Rationale:**

The General Assembly passed legislation in 2020 (§ 46.2-904.1) to allow the use of class one and two electric power-assist bicycles where traditional bicycles are allowed. This code section also allows for the prohibition of class III electric assist bicycles on bicycle paths or multi-use paths. Amending this regulation would clarify what electric power-assist bicycle usage is allowed and prohibited on Department-owned lands.

A recent addition to the design of some bicycles is a small electric motor which provides an electric power-assist to the operation of the bicycle. Reducing the physical demand to operate a bicycle has expanded access to recreational opportunities, particularly to those with limitations stemming from age, illness, disability or fitness, especially in more challenging environments, such as high altitudes or hilly terrain. These electric bicycles operate in the same manner as other types of bicycles and in many cases

are virtually indistinguishable from other types of bicycles. The low power (750 watts) electric power-assist motors should not produce noise at levels that will disturb wildlife or interfere with other wildlife enthusiasts. Because these bicycles have similar frame and tire design, no substantial increase in road maintenance needs is expected.

As defined in 46.2-100, Class one and two electric power-assist bicycles have no more than three wheels, operable pedals, electric motors of 750 watts or less and a maximum speed of 20 miles per hour. Class three bicycles are capable of speeds up to 28 miles per hour. Because of the higher maximum speeds, class three bicycles are often prohibited from bicycle paths and multi-use paths. Although electric power-assist bicycle safety data are limited, at least one study concluded that injuries sustained by riders of class three bicycles are more severe than injuries sustained in class one and two or traditional bicycle incidents. The higher maximum speed could also reduce reaction time when encountering other users on multi-use paths. Because all DWR gated roads and barrier free trails are open to pedestrians and mobility devices, it is proposed that class three bicycles be prohibited on Department-owned lands.